

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S.; and JOHN AND MARY)	
ELLEN S., on behalf of their daughter,)	CIVIL ACTION NO. 04-150E
LEIGH ANN S., a minor)	
)	
Plaintiffs,)	
)	Electronically Filed
v.)	
)	
GIRARD SCHOOL DISTRICT;)	Honorable Sean J. McLaughlin
ROBERT SNYDER, Individually)	
and in his capacity as Principal of)	
Rice Avenue Middle School; and GREGORY)	
YARBENET, a professional employee)	
of the Girard School District)	
)	
Defendants,)	

MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFFS AGAINST DEFENDANT
GREGORY J. YARBENET

Plaintiffs Stacy S. and John and Mary Ellen S., on behalf of their daughter, Leigh Ann S. by their undersigned counsel, respectfully moves this court, pursuant Rule Fed. R. Civ. Pro. 56, for the entry of summary judgement in favor of plaintiffs as to liability on the grounds that:

The pleadings are closed and time exists within which to dispose of this motion without delaying trial.

The pleadings, depositions, answers to interrogatories, admissions and affidavits filed of record show that there is no genuine issue of material fact involving Plaintiffs' Constitutional claims against Yarbenet which requires a trial.

Plaintiffs are entitled to judgement as a matter of law for the reasons set forth in the accompanying brief.

WHEREFORE, Plaintiffs Stacy S. and John and Mary Ellen S., on behalf of their daughter, Leigh Ann S., respectfully requests that this Court enter summary judgement in favor of Plaintiffs and against Defendant, Gregory J. Yarbenet, as to liability and determine that Yarbenet violated Plaintiffs' constitutional rights guaranteed by the Fourth, Fifth and Fourteenth Amendments of the United States Constitution. Plaintiffs further request the court schedule a trial to assess damages against the Defendant, Gregory J. Yarbenet.

Respectfully submitted,

s/ Edward A. Olds

Edward A. Olds, Esquire

Pa. I.D. No. 23601

Carolyn Spicer Russ, Esquire

Pa. I.D. No. 36232

Richard Matesic, Esquire

Pa. I.D. No. 72211

Attorneys for Plaintiffs

1007 Mt. Royal Boulevard

Pittsburgh, PA 15223

(412) 492-8975

(412) 492-8978 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Richard A. Lanzillo, Esquire
KNOX McLAUGHLIN GORNALL & SENNETT, P.C.
120 West Tenth Street
Erie, PA 16501

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant:

Edward J. Betza, Esquire
150 East Eighth Street
Erie, PA 16501

s/Edward A. Olds, Esquire